

SEQR RECORD OF DECISION
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. 0054.05.103
NY Route 347 Safety and Mobility Improvement Project
Northern State Parkway to Route 25A
Towns of Smithtown, Islip and Brookhaven
Suffolk County

This Record of Decision documents the New York State Department of Transportation's decision to proceed with the proposed action described in the Final Environmental Impact Statement for NY Route 347 Safety and Mobility Improvement Project, Northern State Parkway to NY Route 25A.

This Record of Decision has been prepared in accordance with the State Environmental Quality Review Act (SEQRA), and Department implementing regulations for SEQRA - 17NYCRR Part 15. The requirements of Section 8-0109 of the Environmental Conservation Law have been met. The FEIS/Final Section 4(f) Evaluation was approved by FHWA on May 15, 2007 and Department has given consideration to the NEPA FEIS.

The decision of the Department is to select Alternative 10 as identified in the FEIS/Final Section 4(f) Evaluation as the Preferred Build Alternative for the proposed project. This alternative, along with the others considered in the Final EIS/Final Section 4(f) Evaluation, are fully described in Volume I Summary and Chapter III of the FEIS/ Final Section 4 (f).

The Department has found:

1. that, consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is the alternative that minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS;
2. that, consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FEIS process will be minimized or avoided;
3. that, the action is consistent with 19 NYCRR 600.5. A Coastal Assessment Form has been filed with the NYS Department of State. The project is consistent with the coastal zone policies:

The basis for the decision to select Alternative 10 as the Preferred Alternative is that, it is the only feasible and prudent alternative in consideration of all environmental, social, economic and engineering factors identified in the FEIS. Refer to the Final EIS/Final Section 4(f) Evaluation, Chapter V for the evaluation and comparison of the alternatives. The following is a summary of environmental factors and benefits that played a role in the selection of the Preferred Alternative.

Historical and Cultural Resources

The NYSDOT and FHWA have consulted with the New York State Historic Preservation Office (SHPO), pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. Through the consultation process it has been determined that 58 Gibbs Pond Road and the Naimia Site (USN 10308.000902) are eligible for listing on the National Register of Historic Places and

that the Selected or Preferred Alternative will have an adverse effect upon these sites. A copy of the Memorandum of Agreement between the FHWA, New York State Historic Preservation Office, and the New York State Department of Transportation is provided in Volume II, Appendix K, Cultural Resources Assessment. Since SHPO has determined the Naimia site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place, Section 4f does not apply to this resource (23 CFR 775.135(g)(2)). The data recovery phase of the Cultural Resource Investigation is in process and should be completed in the summer of 2007. After the field work is performed it will take at least six months to analyze the artifacts and render a final report. All documentation regarding these sites and the project related impacts have been reviewed by FHWA and SHPO and concur with the finding that there was no feasible and prudent alternative to the impacts to these historic resources. Correspondence is provided in Volume II, Appendix K, Cultural Resources Assessment of the FEIS/ Final Section 4 (f) Evaluation.

Noise

Using FHWA methodology, the noise levels for the Preferred Alternative ranged from 50 to 75 dBA. Noise impacts were identified as described on Table B.10-1 in the executive summary of the FEIS/ Final Section 4 (f) Evaluation. A total of 30 noise barriers with an approximate length of 21 km are found to be feasible with an estimated cost between 20 and 21 million dollars. The final decision to construct the sound barriers will be made upon completion of final design and the public involvement process and will be constructed according to FHWA and NYSDOT policy.

Right-of-Way Acquisition

Right-of-way takings required for the roadway widening, proposed as part of the Preferred Alternative, will impact properties along the corridor. While partial and full property takings will occur, these takings will not alter the general land use patterns and overall character of the project corridor and study area.

Private property acquisitions have been modified as a result of a close review of the general plans for the Preferred Alternative. Additionally, as a result of Section 4(f) consultation with Suffolk County Parks, acquisition areas of the Smithtown Greenbelt have been significantly reduced. Permanent easements for the proposed noise walls have been eliminated. All proposed sound barriers including foundation will be placed so they fall completely on state property where practical. Table B.11-1 of the FEIS/ Final Section 4 (f) Evaluation identifies the current proposed property acquisitions necessary for implementation of the Preferred Alternative. This table supersedes all other tables pertaining to property takings, easements or relocations in the FEIS/Section 4(f) Evaluation.

Air Quality

A qualitative and quantitative analysis was conducted and is described in detail in Chapter IV of the FEIS/ Final Section 4 (f) Evaluation. The National Ambient Air Quality Standards (NAAQS) have been established for six criteria pollutants: carbon monoxide, lead, nitrogen dioxide, ozone, particulates, and sulfur dioxide. In addition New York State has adopted ambient air quality standards. Federal and state ambient air quality standards are presented in Table IV-56 of the

FEIS/ Final Section 4 (f) Evaluation. The project corridor is classified as a moderate non-attainment area for 8-hour ozone and a non-attainment area for fine particulate matter, classified as PM_{2.5} and as an attainment area for all other criteria pollutants.

An analysis of air quality (prepared in accordance with procedures of NYSDOT and the USEPA) compared the effect of the Preferred Alternative to future conditions without the project. The reduction in delays and increase in travel speeds resulting from the Project are conservatively assumed to attract 24-27% more traffic in the evening peak period in 2035 than would the No-Build Alternative. When the emissions of the Project were examined in the context of the emissions from all planned transportation projects in the region, the overall reduction in emissions was determined to conform to the State Implementation Plan to achieve and maintain NAAQS. Mobile Source Air Toxics (MSAT) emissions, although higher for the Preferred Alternative than for the No-Build Alternative due to higher vehicle volumes, in 2035 will be significantly lower than the existing MSAT emissions due to expected technological advancement and stricter emissions regulations. Microscale modeling analysis determined that the Project will have no adverse air quality impacts.

Energy

Regarding energy, the resulting impact of the Preferred Alternative compared to the No-Build Alternative is a 5.6% reduction in total energy use and greenhouse gas emissions in 2015, followed by a 0.7% increase in 2025, and, assuming little further gains in energy efficiency, a 6.5% increase in 2035; refer to Chapter IV.b.3.h of the FEIS/Final Section 4(f) Evaluation

Surface Waters

State recreational designations of the Nissequogue River terminate at the north side of NY Route 347. Widening of the right-of-way and temporary construction activities may result in a minor reduction in the designated recreational segments, however, the Preferred Alternative would not segment the designated recreational tributaries which would remain free-flowing.

A State Pollutant Discharge Elimination System (SPDES) General Permit for Construction will be necessary for the west end of the project corridor and SPDES water quality volume requirements will be accomplished through the use of water quality basins.

Wetlands

Under Presidential Executive Order 11990 "Protection of Wetlands," actions involving federal funding must evaluate and mitigate impacts on wetlands. Road widening in the west end of the project corridor is expected to impact 15 delineated wetland areas associated with the Nissequogue River tributaries. After employing avoidance and minimization techniques (discussed in detail in Summary Chapter B.8 of the FEIS/Final Section 4(f) Evaluation) and choosing the intersection option for the 454/347 split that impacts the least wetland acreage the Project is expected to result in the loss of 1.166 acres of wetland. Mitigation for these wetland impacts has been discussed with appropriate resource agencies and is explained under Measures to Minimize Harm below as well as in the Summary Chapter of the FEIS/Final Section 4(f) Evaluation. The FHWA has found that (1) there is no practicable alternative to such construction and (2) that the construction of Alternative 10 (with Option 1B) contains all practicable measures

to minimize harm to wetlands that may result from such use and therefore the Project is consistent with Executive Order 11990.

Water Source Quality (Groundwater)

Implementation of the Preferred Alternative would result in an increased impervious surface area of approximately 103,753 square meters, which would create greater volumes of runoff and consequently, greater pollutant loadings within the drainage areas of the NY Route 347 corridor. With the Preferred Alternative, there will be an increase of pollutant concentrations that are predicted to exceed the New York State standards for lead, zinc, iron and copper. The exceeded standards would not present a significant impact to groundwater sources as these values are estimates of concentrations if runoff were directed straight to the well rather than filtered through the recharge basins. The United States Environmental Protection Agency confirmed that the preferred alternative concurred with the Sole Source Aquifer guidelines of Section 1424e of the Safe Drinking Water Act in a letter dated February 9, 2007.

General Ecology and Wildlife

A high value fish habitat area containing a naturally spawning population of native brook trout (*Salvelinus fontinalis*) is located on both sides of the culvert carrying the West Branch of the Nissequogue River under NY Route 347, near County Center Road. In an effort to avoid impacts to both the trout stream and the surrounding wetlands, the sidewalk was removed from the south side of NY Route 454, shoulders were minimized to the maximum extent possible and a retaining wall is proposed at the wetland boundaries on both sides of the roadway. Mitigation for impacts that cannot be avoided is discussed below under Measures to Mitigate Harm.

Construction Impacts

Under the Preferred Alternative, construction impacts would occur to areas of properties that are 10 feet beyond the cut-fill line. These areas will be used as temporary easements for staging areas, slope grading, sound barriers, retaining wall and other construction related activities. The presence of construction vehicles and the operation of construction equipment will introduce temporary traffic, air quality and noise impacts to the study area. Traffic conditions would be modified due to construction staging. Procedures outlined in Section 209 of the NYSDOT standard specifications will be used for sedimentation of stormwater runoff and soil erosion that could occur during the construction period due to temporary removal of surface vegetation, excavation and re-grading. Temporary pedestrian and bicycle routes will be provided during construction in accordance with Americans with Disabilities Act (ADA) guidelines. Wetlands, hazardous waste, landscape and visual aesthetics have the potential to be disrupted with construction activities. Proper mitigation measures would be implemented to minimize or eliminate these impacts. Adverse impacts associated with construction would be temporary in nature and would be offset by the benefits of the Preferred Alternative. Standard NYSDOT Specifications including section 100's General Provisions outline contractors' requirements concerning environmental issues during construction.

Measures to Mitigate Harm

As summarized below and described in more detail in the FEIS/Final Section 4(f) Evaluation, the proposed project incorporates numerous measures to mitigate unavoidable adverse effects including but not limited to right of way, surface water, wetlands, general ecology and wildlife, cultural resources, Section 4(f) properties, and noise.

- Displaced property owners and tenants will be compensated by NYSDOT for the fair market value of their property. The acquisition and relocation assistance programs will be conducted in accordance with the requirements and standards of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended or as may be amended, as authorized by Section 30 of the New York State's Highway Law and Implementing Rules and Regulations (Part 101).
- The interests of current landowners whose property may be taken for a public action are protected under New York State's Eminent Domain Procedure Law. This law requires that property owners be given a minimum of three months to find replacement housing, from the date of official notification, which typically occurs when the Project reaches the land acquisition phase. The NYSDOT Real Estate Division's Relocation Assistance Program provides displaced occupants with assistance in finding comparable replacement properties without discrimination. Residential owners who occupied their residence for 180 days or more prior to the date of NYSDOT's offer for the property may be eligible for additional replacement housing benefits. These may include eligible closing costs on the replacement home, and compensation for the economic loss of refinancing a mortgage at a higher interest rate.
- NYSDOT will employ one or more of the following measures to reduce pollutant loads before runoff is discharged to surface waters and/or infiltrates into the groundwater: (1) detention/retention facilities; (2) vegetated ditches/swales; (3) installation of oil and grease separators; (4) design and implementation of emergency spill prevention plans during construction.
- Additional stormwater mitigation measures may be used including, but not limited to, vortex / stormwater treatment structures; open vegetated swales; the use of medians as stormwater collection points and leaching basins. NYSDOT is committed to improving the drainage system of the corridor through the construction of this project.
- Wetland avoidance measures consisting of one or a combination of the following: (1) elimination of sidewalk in wetland areas on one side of the roadway; (2) reduction of the shoulder on one or both sides of the roadway; (3) the introduction of retaining walls.
- Wetland mitigation sites have been identified and will consist of wetlands contribution, restoration, enhancement and creation (in-lieu-fee mitigation will not be used for this project). Replacement ratios are to be finalized during final design in coordination with the US Army Corps and NYSDEC and will vary depending on the type of mitigation and the value of the impacted wetland.
- NYSDOT will make every effort to minimize impacts to the trout stream and surrounding wetlands. Mitigation measures may include relocation of the impacted stream section, which will be re-established with appropriate stream bed material and planted with native species.

- NYSDOT is considering reconstructing a berm that is currently eroded in order to eliminate the direct hydrologic connection between a stream and pond located at the west end of the corridor as shown in Figure B.9-1 the FEIS/Final Section 4(f) Evaluation Executive Summary.
- NYSDOT intends to preserve the high quality trout habitat by purchasing approximately 6.4 acres of undeveloped properties containing wetlands that contribute to the stream and by seeking a permanent easement to improve the stream crossing between two properties on the west branch of the Nissequogue River headwaters. Also, NYSDOT will investigate replacing the existing pipe culvert under NY Route 347 with a box culvert with a natural bottom to allow improved aquatic habitat for fish traveling through the extended structure. All possible measures will be taken to minimize impact to the trout stream and riparian areas from construction activity.
- NYSDOT will inventory roadside invasive population in the final design phase and will survey the location of invasive species. Identified populations will be reported to the Regional Invasive Species Inventory. NYSDOT will replant native species in disturbed areas and maintain replanted species in accordance with NYSDOT maintenance agreements. Additional landscaping will be added along the corridor where necessary and will be included in Final Design.
- NYSDOT is committed to employing mitigation to avoid and/or minimize effects to the Naimia Site, 58 Gibbs Pond Road, and additional sites adjacent to the project corridor which are eligible for listing on the National Register. The following measures will be employed during final design:
 - At the Naimia Site, NYSDOT will reduce the shoulder area on both sides of the roadway at this location and install retaining walls to minimize disturbance.
 - At 58 Gibbs Pond Road, NYSDOT will limit the amount of right-of-way to be acquired for the proposed turning lane and will limit the setback distance for the utility poles to eliminate impacts to existing mature trees. The front entrance gate will be reset at the same setback proportions and limiting setback distances for the utility poles.
 - Protection to NY State Museum #11660, Country Club Site, and NY State Museum #11659, Creek Site, shall be added to the construction sheets to assure a level of protection to avoid inadvertent impacts to these sites beyond the current project limits.
- As part of the Section 4(f) consultation process, NYSDOT will continue to coordinate with Suffolk County Parks to ensure that the new location of stormwater quality basin WQ2B2 is located in a manner that is deemed acceptable to Suffolk County Parks.
- Hazardous materials including asbestos, if encountered, will be handled and disposed of in accordance with Federal (*e.g.*, OSHA) and State (*e.g.*, DEC) requirements.
- During construction, surface water quality will be protected by including erosion and sediment controls in accordance with all Federal and State laws and permits.
- Based upon community input during final design, noise walls will be constructed in the recommended areas identified in Section B.10 of the summary portion of the FEIS/Final

Section 4(f) Evaluation. Other noise wall recommendations will be further considered in final design.

A summary and analysis of comments received during the Open Forum Public Hearing and on the DR/FEIS is included in Chapter VI of the FEIS/ Final Section 4 (f) Evaluation . Chapter VIII of FEIS/ Final Section 4 (f) Evaluation includes comments received from interested involved agencies and local communities.

No comments on the FEIS/Final Section 4 (f) Evaluation have been received.

Therefore, based thereon, NYSDOT has selected Alternative 10 as identified in the FEIS/Final Section 4(f) Evaluation as the Preferred Build Alternative for the NY Route 347 Safety and Mobility Improvement Project, Northern State Parkway to NY Route 25A.



Subimal Chakroborti, Regional Director



Date